

**BOARD OF ZONING APPEALS**

**Springfield, Ohio**

**Monday, August 16, 2021**

**7:00 P.M.**

**City Hall Forum**

**Meeting Minutes**

**(Summary format)**

Chairperson Ms. Dori Gaier called the meeting to order at 7:00 P.M.

MEMBERS PRESENT: Mr. Burkhardt, Mr. Brown, Mr. Ryan Ms. Williams and Ms. Gaier.

MEMBERS ABSENT: Ms. Zimmers and Mr. Harris.

OTHERS PRESENT: Stephen Thompson, Planning, Zoning, and Code Administrator  
Cheyenne Shuttleworth, Community Development Specialist.

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**SUBJECT: Approval July meeting minutes.**

Ms. Gaier asked if the Board had any corrections or additions to add to the minutes.

Hearing none, Ms. Gaier asked the Board members to voice yes if they were in favor of approving the minutes. Members voiced yes.

Ms. Gaier asked if any opposed to voice nay. Hearing none, Ms. Gaier stated the minutes stand approved.

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**Case #21-A-33 Request from owner for a conditional use permit to use the property as a restaurant at 702 E. High St. in a CO-1 District.**

Ms. Gaier stated that the public hearing was now open and asked for Ms. Agwan to read the staff report.

The applicant seeks a conditional use permit to use the existing property as a restaurant.

The restaurant should provide 1 parking space per 4 seats. The applicant is planning to use the rear parcel and paved lot adjoining property to provide for a total of 20 parking spaces.

**ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and

shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

*Staff Comment: It would not.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

*Staff Comment: Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

*Staff Comment: Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

*Staff Comment: Yes.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

*Staff Comment: Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

*Staff Comment: It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem

necessary for the protection of adjacent properties and the public interest.

*Staff Comment: Yes, it does.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department:	Recommend approval
Building Inspections:	Recommend approval. All building department issues will be reviewed during plan review process.
Police Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	NA

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Gaier asked if the board had any questions for Ms. Agwan. Hearing none, Ms. Gaier asked if the applicant or the applicant's agent wished to speak.

Mr. Todd Fisher, 258 South Arlington Avenue. Springfield, Ohio.

Mr. Fisher stated Ms. Agwan made a good case and had nothing to add.

Ms. Williams asked what kind of restaurant it would be.

Mr. Fisher explained it would be a café style restaurant, serving breakfast and lunch.

Ms. Williams asked what the hours would be.

Mr. Fisher stated he was not exactly sure. Mr. Fisher explained there was a small commercial kitchen from previous uses of the building. Mr. Fisher explained it will need upgraded.

Mr. Rodney Coleman, 649 East High Street. Springfield, Ohio.

Mr. Coleman explained he lived across the street from the building. Mr. Coleman expressed that was for improving the neighborhood but there is a lot of drug activity in the neighborhood. Mr. Coleman explained what he had dealt with since living at his house and wanted to inform Mr. Fisher that the neighborhood is kind of rough. Mr. Coleman stated he was for the restaurant and welcomed new business.

Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

**MOTION:** Mr. Brown made a motion to close the public hearing. Seconded by Ms. Williams. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-33.

**MOTION:** Motion by Mr. Burkhardt to approve Case #21-A-33 Request from owner for a conditional use permit to use the property as a restaurant at 702 E. High St. in a CO-1 District. Seconded by Mr. Brown.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. No public opposition.
2. Good use of vacant building.
3. New business welcome.

**YEAS:** Mr. Ryan, Mr. Burkhardt, Mr. Brown, Ms. Williams and Ms. Gaier.

**NAYS:** None.

**Motion approved.**

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**Case #21-A-35 Request to use the property for Automobile and truck oriented use - convenience store/ fuel station at 1910 Mitchell Blvd. in a CC-2 District.**

Ms. Gaier stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to use the property as a gas station. The owner would install canopy and gas pumps after receiving approval. The said parcel was used as a gas station in the past.

**ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations,

and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

*Staff Comment: It would not.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

*Staff Comment: Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

*Staff Comment: Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

*Staff Comment: Yes.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

*Staff Comment: Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

*Staff Comment: It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

*Staff Comment: Yes, it does.*

#### **RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval. Will need to address drainage issues when improvements are made

Building Inspections:	Recommend approval. All building department issues will be taken care of in the plan review process.
Police Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	NA

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Gaier asked if the board had any questions.

Mr. Ryan asked if there was a recommendation from the city manager's office.

Ms. Agwan stated there was not.

Ms. Gaier asked if there was a reason why the city manager's office didn't comment.

Mr. Thompson explained there had been a lot of changes in the city manager's office and that could be why.

Ms. Gaier asked if the board had any further questions for Ms. Agwan. Hearing none, Ms. Gaier asked if the applicant or applicant's agent wished to speak.

Mr. Ray Patrick, Tri-State Maintenance, 6830 Chrisman Lane, Middletown, OH.

Mr. Patrick stated the owner just wished to enhance his property and create more revenue.

Ms. Gaier asked if the board had any questions. Hearing none, Ms. Gaier asked if there was anyone else that wished to speak. Hearing none, Ms. Gaier asked for a motion to close the public hearing.

**MOTION:** Mr. Ryan made a motion to close the public hearing. Seconded by Mr. Brown. Approval by voice vote.

Ms. Gaier stated that the public hearing was now closed and asked for a motion to approve Case #21-A-35.

**MOTION:** Motion by Mr. Ryan to approve Case #21-A-35 Request to use the property for Automobile and truck oriented use - convenience store/ fuel station at 1910 Mitchell Blvd. in a

CC-2 District. Seconded by Mr. Brown.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. No public opposition.
2. Property in need of improvement.
3. Will increase business for property owner.

**YEAS:** Mr. Ryan, Mr. Burkhardt, Mr. Brown, Ms. Williams and Ms. Gaier.

**NAYS:** None.

**Motion approved.**

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**Board Comments:** Ms. Williams asked if there had been any talk about doing meeting on Zoom. Mr. Thompson stated there had been talk about it but nothing confirmed.

**Staff Comments:** Mr. Thompson introduced Ms. Agwan to board members that were not present at the last meeting. Mr. Thompson explained he would no longer be doing the meetings, Ms. Agwan would be taking over. Mr. Thompson explained his new position as the Deputy Director of Community Development.

**Subject:** Adjournment

Ms. Williams made a motion to adjourn the meeting. Seconded by Mr. Burkhardt.

Ms. Gaier adjourned the meeting at 7:22 p.m.



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Ms. Dori Gaier, Chairperson

Ms. Denise Williams, Vice-Chairperson